

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 18, 2002
SAN FRANCISCO, CALIFORNIA**

S097445

C035456 Third Appellate District

KATZBERG v. U.C. REGENTS

Request for modification of the opinion is denied.

S110683A094946 First Appellate District,
Division Five

BLACK (CHARLES ALEX) ON H.C.

Petition for review granted (criminal case)

Votes: George, CJ., Kennard, Baxter,
Werdegar, Chin and Moreno, JJ.**S110887**G028823 Fourth Appellate District,
Division Three

REEVES (JAMES GREEBE) ON H.C.

Petition for review granted (criminal case)

Votes: George, CJ., Kennard, Baxter,
Werdegar, Chin and Moreno, JJ.**S111138**

F040063 Fifth Appellate District

R. (CELINE), IN RE

Petition for review granted (civil case)

Votes: George, CJ., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.**S110813**A094750 First Appellate District,
A095475 Division Four

FERGUSON v. MEADOWS

Review granted/briefing deferred (rule 29.3) – civil
case

Further action in this matter is deferred pending consideration and disposition of a related issue in *Ferguson v. Lieff Cabraser*, S104444 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

Votes: George, CJ., Kennard, Baxter,
Werdegar, Chin, Brown and Moreno, JJ.

S100740

JACKSON (ALFRED) ON H.C.
OSC issued, returnable in Superior Court

The Director of Corrections is ordered to show cause, before the Los Angeles County Superior Court, when the matter is placed on calendar, why petitioner was not denied his constitutional right to effective assistance of trial counsel due to trial counsel's failure to file a timely notice of appeal, and why petitioner should not therefore be allowed to file a belated notice of appeal. (See *Roe v. Flores-Ortega* (2000) 528 U.S. 470 [145 L.Ed.2d 985; 120 S. Ct. 1029]; *Strickland v. Washington* (1984) 466 U.S. 668, 686; Pen. Code, § 1240.1.) The return shall be filed on or before January 17, 2003.

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S111431

B161685 Second Appellate District,
Division Six

CAMBRIDGE INTEGRATED v. W.C.A.B.
Petition for review granted; transferred to CA 2/6

with directions to vacate its order dismissing the petition for writ of review without prejudice, and to consider the petition in light of *Maranian v. Workers's Comp. Appeals Bd.* (2000) 81 Cal.App.4th 1068, 1078.

Votes: George, CJ., Kennard, Chin, Brown and Moreno, JJ.

S098965

C038536 Third Appellate District

SHAH v. S.C. (MEDICAL BOARD)
Dismissed as improvidently granted (rule 29.4 (c))

and cause is remanded to the Court of Appeal, Third Appellate District.

Votes: George, CJ., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

S110890CARPENTER (DAVID J.) ON H.C.
Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus filed on October 24, 2002, is denied. With the exception of those portions of claim 39 that allege that California's death penalty law is unconstitutional, and claims 40-48, all claims are denied as untimely (*In re Robbins* (1998) 18 Cal.4th 770 and *In re Clark* (1993) 5 Cal.4th 750) and successive (*In re Robbins, supra*, 18 Cal.4th at p. 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at pp. 768, 782; *In re Horowitz* (1949) 33 Cal.2d 534, 546-547).

Except to the extent it is based on allegations that Attorney Biggam provided ineffective assistance, claim 26 is denied on the ground that it could have been, but was not, raised on appeal. (*In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3.) Except for allegations of ineffective assistance of counsel, claims 30-35, 37-38 are barred by *In re Waltreus* (1965) 62 Cal.2d 218, 225 to the extent they were raised and rejected on appeal, and by *In re Dixon, supra*, 41 Cal.2d at page 759, to the extent they were not raised on appeal. With the exceptions of those portions that allege that California's death penalty law is unconstitutional, claim 39 is barred by *In re Waltreus, supra*, 62 Cal.2d at page 225, to the extent it was raised and rejected on appeal, and by *In re Dixon, supra*, 41 Cal.2d at page 759, to the extent it was not raised on appeal. All claims are barred by *In re Miller* (1941) 17 Cal.2d 734 to the extent they duplicate claims raised and rejected in petitioner's first petition for writ of habeas corpus.

With the exception of claim 45, all claims are also denied on the merits. Claim 45 is denied as premature because no execution date has been set.

S110266E029789 Fourth Appellate District,
Division TwoBURTON v. RALPHS GROCERY CO.
Petition for review & publication request denied

S110472

E029558 Fourth Appellate District,
Division Two

Y. (JOHN JR.) v. CHAPARRAL TREATMENT
Petition for review & request for further partial
publication of the opinion is denied

Kennard, J., and Werdegarr, J., are of the
opinion the petition should be granted.

S110649

C042151 Third Appellate District

CUNNINGHAM (CARY WAYNE) ON H.C.
Petition for review denied

S110720

B161869 Second Appellate District,
Division Six

ROMERO (CUAHUTEMOC) ON H.C.
Petition for review denied

S110765

B148288 Second Appellate District,
Division Two

RUBIN v. BURBANK, CITY OF
Petition for review denied

Baxter, J. , and Brown, J., are of the opinion
the petition should be granted.

S110766

C042360 Third Appellate District

HUNSAKER (DAVID) ON H.C.
Petition for review denied

S110772

B151296 Second Appellate District,
Division Three

CUNDIFF v. BELL ATLANTIC CORP. et al.
Petition for review denied

Werdegarr, J., and Chin, J., were recused and
did not participate.

S110773

B145607 Second Appellate District,
Division Four

ROULIER v. TWO WHEELS ONE PLANET et al.
Petition for review denied

Kennard, J., is of the opinion the petition
should be granted.

S110843

G026598 Fourth Appellate District,
Division Three

DUBONT et al. v. CORNELL UNIVERSITY et al.
Petition for review denied

Request for judicial notice denied.

S110862

B153854 Second Appellate District,
Division Three

JAZZMON R. v. LOS ANGELES COUNTY

Petition for review denied

S110868

B159487 Second Appellate District,
Division Six

FLEISHMAN v. S.C. (SALISBURY)

Petition for review denied

S110893

C040423 Third Appellate District

T. (CHARLES), IN RE

Petition for review & depublication request denied

S110908

E030115 Fourth Appellate District,
Division Two

CORONA, CITY OF et al. v. COUNTY OF
RIVERSIDE et al.

Petition for review denied

Kennard., J., is of the opinion the petition
should be granted.

S110909

H021748 Sixth Appellate District

PEOPLE v. ROAM, JEFFREY

Petition for review denied

S110924

H024222 Sixth Appellate District

ORTIZ (FERNANDO) ON H. C.

Petition for review denied

S110929

H023149 Sixth Appellate District

ROAM (JEFFREY) ON H.C.

Petition for review denied

S110935

H022124 Sixth Appellate District

PEOPLE v. ORTIZ, FERNANDO

Petition for review denied

S110957

A074986 First Appellate District,
Division Two

PEOPLE v. METTERS

Petition for review denied

Kennard, J., is of the opinion the petition
should be granted.

S111002

E029496 Fourth Appellate District,
Division Two

PEOPLE v. ZENDEJAS et al.

Petitions for review denied

S111025

B150110 Second Appellate District,
Division Five

PEOPLE v. RAMIREZ

Petition for review & partial publication request
denied.

S111037

H023083 Sixth Appellate District

MARTIN v. SANTA CLARA UNIFIED SCHOOL
DISTRICT

Petition for review denied

Moreno, J., is of the opinion the petition
should be granted.

S111072

B150905 Second Appellate District,
Division Six

J., JR. (JOHN), IN RE

Petition for review denied

S111083

C037269 Third Appellate District
C037743

BECKMAN et al. v. EL DORADO COUNTY

Petition for review denied

S111086

B153931 Second Appellate District,
Division Three

PEOPLE v. WELDON

Petition for review denied

S111088

B150839 Second Appellate District,
Division Six

PEOPLE v. MAGUIRE

Petition for review & partial publication request
denied.

S111090

F041611 Fifth Appellate District

YOUNG (DONALD) v. S.C. (PEOPLE)

Petition for review denied

S111118

C037223 Third Appellate District

PEOPLE v. ROYSTER

Petition for review denied

Kennard, J., is of the opinion the petition
should be granted.

S111131

F041613 Fifth Appellate District

YOUNG (DONALD) v. S.C. (PEOPLE)

Petition for review denied

S111144 E028438 Fourth Appellate District, Division Two	PEOPLE v. RAMIREZ et al. Petition for review denied
S111167 B161996 Second Appellate District, Division Two	WELLS et al. v. S.C. (CIOTTI et al.) Petition for review denied
S111193 B153593 Second Appellate District, Division Six	PEOPLE v. DELIRA Petition for review denied
S111209 B144995 Second Appellate District, Division Three	PEOPLE v. SMITH, JIMMY et al. Petitions for review denied
S111214 H022657 Sixth Appellate District	PEOPLE v. AU Petition for review denied
S111225 B156495 Second Appellate District, Division Three	JUDITH P. v. S.C. (DCFS) Petition for review & depublication requests denied
S111236 H023336 Sixth Appellate District	GONZALEZ, ESTATE OF Petition for review denied
S111246 B154138 Second Appellate District, Division Three	PEOPLE v. ERICKSON Petition for review denied
S111249 G029409 Fourth Appellate District, Division Three	PEOPLE v. MALFAVON Petition for review denied
S111256 B150938 Second Appellate District, B152772 Division Three	DONFELD KELLEY & ROLLMAN v. BASS Petition for review & publication request denied

S111301 E032195 Fourth Appellate District, Division Two	ONTARIO CHRISTIAN SCHOOL v. S.C. (VAN) DYK) Petition for review denied
S111302 A096790 First Appellate District, Division Three	PEOPLE v. O'NEIL Petition for review denied
S111303 B155810 Second Appellate District, Division Five	PEOPLE v. MARTINEZ Petition for review denied
S111304 H023211 Sixth Appellate District	PEOPLE v. CREMER Petition for review denied
S111307 E030991 Fourth Appellate District, Division Two	PEOPLE v. MCAVOY Petition for review denied Kennard, J., is of the opinion the petition should be granted.
S111310 C042433 Third Appellate District	FLOYD v. S.C. (PEOPLE) Petition for review and application for stay denied
S111311 A094960 First Appellate District, Division Five	WOO v. LIEN et al. Petitions for review & publication request denied
S111325 E030668 Fourth Appellate District, Division Two	PEOPLE v. SCHAFFER Petition for review denied
S111329 B156889 Second Appellate District, Division Three	PEOPLE v. HAZELTON Petition for review denied
S111331 C037390 Third Appellate District	PEOPLE v. VONG Petition for review denied

S111337

C037702 Third Appellate District
C037996

PEOPLE v. GOMEZ

Petitions for review denied

S111338

H022941 Sixth Appellate District

PEOPLE v. PEREZ

Petition for review denied

S111339

B157441 Second Appellate District,
Division Three

PEOPLE v. JOHNSON

Petition for review denied

S111340

G027190 Fourth Appellate District,
Division Three

PEOPLE v. AGUIRRE

Petition for review denied

S111343

D037163 Fourth Appellate District,
Division One

PEOPLE v. CARRILLO

Petition for review denied

S111345

H023218 Sixth Appellate District

PEOPLE v. FRITZ

Petition for review denied

S111346

B152843 Second Appellate District,
Division Four

SHAW v. SCHULNER

Petition for review denied

S111347

A096900 First Appellate District,
Division Five

PEOPLE v. NOVELLA

Petition for review denied

S111349

H023210 Sixth Appellate District

MISSION WEST PROPERTIES et al. v.

REPUBLIC PROPERTIES CORP. et al.

Petition for review denied

S111351

C039467 Third Appellate District

PEOPLE v. KELLY

Petition for review denied

S111354

B144648 Second Appellate District,
B146021 Division One

COMMUNITY REDEVELOPMENT CITY L.A. v.
BERKETT
Petition for review denied

S111355

E029092 Fourth Appellate District,
E031163 Division Two

PEOPLE v. KELCE
Petition for review denied

S111356

B157850 Second Appellate District,
Division Five

LOS ANGELES v. S.C. (TERRELL R.)
Petition for review & depublication request denied

Kennard, J., and Moreno, J., are of the opinion
the petition should be granted.

S111359

B152475 Second Appellate District,
Division Three

PEOPLE v. VERDUZCO
Petition for review denied

S111363

E030400 Fourth Appellate District,
Division Two

PEOPLE v. PATTERSON
Petition for review denied

S111365

E028639 Fourth Appellate District,
Division Two

AYALA v. PARDEE CONSTRUCTION
Petition for review denied

S111372

D037953 Fourth Appellate District,
Division One

PEOPLE v. BURKE
Petition for review denied

S111373

D038322 Fourth Appellate District,
Division One

PEOPLE v. COOPER
Petition for review denied

S111374

D040242 Fourth Appellate District,
Division One

S. O., IN RE
Petition for review denied

S111379

A095827 First Appellate District,
Division Three

SAN FRANCISCANS UPHOLDING DOWNTON
PLAN v. CITY & COUNTY OF SAN FRANCISCO
Petition for review & depublication request denied

S111384

B149604 Second Appellate District,
Division One

PEOPLE v. ANAYA
Petition for review denied

Kennard, J., is of the opinion the petition
should be granted.

S111387

H023798 Sixth Appellate District

AUTODISC v. SMITH et al.
Petition for review denied

S111390

E029446 Fourth Appellate District,
Division Two

PACIFIC GAS & ELECTRIC v. DEPT. OF
TRANSPORTATION
Petition for review denied

Chin, J., was recused and did not participate.

S111394

C037722 Third Appellate District

PEOPLE v. BANKS
Petition for review denied

S111395

B155108 Second Appellate District,
Division One

PEOPLE v. VASQUEZ
Petition for review denied

Petition for review of order denying request to
file supplemental opening brief DENIED as
moot.

S111398

D036223 Fourth Appellate District,
Division One

PEOPLE v. ARMSTEAD
Petition for review denied

S111399

G030271 Fourth Appellate District,
Division Three

A. LUKAS, IN RE
Petition for review denied

S111402

H023743 Sixth Appellate District

PEOPLE v. SANDOVAL
Petition for review denied

S111405

E030190 Fourth Appellate District,
Division Two

PEOPLE v. TRAMMEL
Petition for review denied

S111410

H024897 Sixth Appellate District

VARA v. S.C. (PEOPLE)
Petition for review denied

S111417

G028301 Fourth Appellate District,
Division Three

PEOPLE v. MURILLO
Petition for review denied

S111420

B155453 Second Appellate District,
Division Seven

PEOPLE v. SNELL
Petition for review denied

S111423

B152719 Second Appellate District,
Division Four

PEOPLE v. HAYES
Petition for review denied

S111427

H024966 Sixth Appellate District

ZAHRIYA v. APPELLATE DIVISION (PEOPLE)
Petition for review denied

S111428

A095398 First Appellate District,
Division One

H. (MARC), IN RE
Petition for review denied

S111429

B153462 Second Appellate District,
Division Two

PEOPLE v. DRASAR
Petition for review denied

S111432

E032633 Fourth Appellate District,
Division Two

C. (NATASHA) v. S.C. (C., MICHAEL)
Petition for review denied

S111437

A094268 First Appellate District,
Division Two

PEOPLE v. JENKINS
Petition for review denied

S111440
C037959 Third Appellate District

PEOPLE v. LOVEDAY
Petition for review denied

S111441
A096035 First Appellate District,
Division Five

PEOPLE v. GILL
Petition for review denied

S111447
A100559 First Appellate District,
Division Five

JOHNSON v. S.C. (PEOPLE)
Petition for review denied

S111485
B161605 Second Appellate District,
Division Five

JAMES v. W.C.A.B. et al.
Petition for review denied

S111497
E029190 Fourth Appellate District,
Division Two

DOE 1. et al. v. CITY OF MURRIETA et al.
Petition for review denied

S111651
A100722 First Appellate District,
Division Five

DUECK v. S.C. (PEOPLE)
Petition for review and application for stay denied

S111685
G031329 Fourth Appellate District,
Division Three

SONI v. S.C. (PEOPLE)
Petition for review and application for stay denied

S111754
G031470 Fourth Appellate District,
Division Three

THE PEP BOYS v. S.C. (DUBROW)
Petition for review and application for stay denied

S111783
G031341 Fourth Appellate District,
Division Three

SONI v. S.C. (PEOPLE)
Petition for review and application for stay denied

S111847

MORALES v. CA 2 (PEOPLE)
Petition for writ of mandate denied

S111900B163099 Second Appellate District,
Division Two

TAYLOR v. S.C. (TAYLOR)

Petition for review and application for stay denied

S111953B159157 Second Appellate District,
B159157 Division FourNATURAL RESOURCES v. CITY OF LOS
ANGELES et al.

Petition for review and application for stay denied

The request for judicial notice is granted.

S083660

HARRISON (WENDELL) ON H.C.

Petition for writ of habeas corpus denied

S107035

ASHANTI (ASKIA) ON H.C.

Petition for writ of habeas corpus denied

S107117

UNDERWOOD (ANDRE) ON H.C.

Petition for writ of habeas corpus denied with
citation(s)**S108184**

LATHAN (RICHARD) ON H.C.

Petition for writ of habeas corpus denied with
citation(s)**S108706**

WALKER (EDDIE) ON H.C.

Petition for writ of habeas corpus denied with
citation(s)**S108738**

HILL (CHESTER) ON H.C.

Petition for writ of habeas corpus denied with
citation(s)**S108794**

REED (CATHY) ON H.C.

Petition for writ of habeas corpus denied

S108795

COLBERT (GEORGE K.) ON H.C.

Petition for writ of habeas corpus denied with
citation(s)

S108809	HAYWOOD (MICHAEL A.) ON H.C. Petition for writ of habeas corpus denied
S108813	HAYWOOD (PHAROAH I.) ON H.C. Petition for writ of habeas corpus denied
S108889	MARTINEZ (MICHAEL) ON H.C. Petition for writ of habeas corpus denied
S111061	ANDRE (STEVEN J.) ON H.C. Petition for writ of habeas corpus denied
S111455	MORGAN (JONATHAN) ON H.C. Petition for writ of habeas corpus denied with citation(s)
S111622	MASSOUD (NIDAL) ON H.C. Petition for writ of habeas corpus denied
S106586 H020771 Sixth Appellate District	MEJIA v. REED Request for re-publication of the opinion is denied.
S110743 B154266 Second Appellate District, Division Six	PEOPLE v. DOMINGUEZ Depublication ordered
S110349 B141962 Second Appellate District, B143718 Division Five	LAFER v. BECKER Publication request denied (case closed)
S110749 B152966 Second Appellate District, Division Five	PFEIFFER VENICE PROPERTIES v. BERNARD Depublication request denied (case closed)
S111265 H024177 Sixth Appellate District	G. (A.), IN RE Publication request denied (case closed)

S111607B149848 Second Appellate District,
Division ThreeSTEVENS v. GUARANTY NATIONAL INS. CO.
Publication request denied (case closed)**S049596**PEOPLE v. BRYANT, SMITH & WHEELER
Extension of time granted

to February 10, 2003 to appellant Smith to file appellant's opening brief. The court anticipates that after that date, only four further extensions totaling 240 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S062770PEOPLE v. BERGMAN (LAWRENCE E.)
Extension of time granted

to February 18, 2003 to file appellant's opening brief. The court anticipates that after that date, only two further extensions totaling 120 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule and to take all steps necessary to meet it.

S104807COFFMAN (CYNTHIA L.) ON H.C.
Extension of time granted

to January 15, 2003 to file the reply to the informal response to the petition for writ of habeas corpus. The court anticipates that after that date, only two further extensions totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S105735

H021239 Sixth Appellate District

KAHN v. EAST SIDE UNION HIGH SCHOOL

Extension of time granted

to December 30, 2002 to file appellant's answer to amicus curiae brief of cities of San Luis Obispo, San Pablo, Santa Paula and Tracy.

S107355A096012 First Appellate District,
Division Five

LAMUSGA, MARRIAGE OF

Extension of time granted

to January 17, 2003 to file appellant's answer brief on the merits.

S107502

CODDINGTON (HERBERT J.) ON H.C.

Extension of time granted

to January 21, 2003 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling 30 additional days will be granted. Extension is granted based upon counsel Bruce Eric Cohen's representation that he anticipates filing that document by February 20, 2003.

S109642A096442 First Appellate District,
Division Five

GUILLORY v. S.C. (PEOPLE)

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to and including January 10, 2003. No further extensions of time will be granted.

S032146

PEOPLE v. DANKS (JOSEPH)

Order filed

Good cause appearing, the application of appointed appellate counsel for permission to withdraw as attorney of record for appellant Joseph Danks, filed December 9, 2002, is granted.
The order appointing the State Public

Defender as appellate counsel of record for appellant Joseph Danks, filed June 9, 1998, is hereby vacated.

Musawwir Spiegel is hereby appointed as attorney of record to represent appellant Joseph Danks for the direct appeal in the above automatic appeal now pending in this court.

The State Public Defender is directed to deliver to Musawwir Spiegel, within 30 days from the filing of this order, the entire case file relating to appellant's automatic appeal currently in the State Public Defender's possession, including, but not limited to, the reporter's and clerk's transcripts, all case files and documents obtained from appellant's trial counsel, and all other case-related documents, including copies of all documents filed in this court.

S034072

PEOPLE v. CURL (ROBERT ZANE)

Oder filed

Good cause appearing, the application of appointed appellate counsel for permission to withdraw as attorney of record for appellant Robert Zane Curl, filed December 9, 2002, is granted.

The order appointing the State Public Defender as appellate counsel of record for appellant Robert Zane Curl, filed May 2, 2001, is hereby vacated.

Musawwir Spiegel is hereby appointed as attorney of record to represent appellant Robert Zane Curl for the direct appeal in the above automatic appeal now pending in this court.

The State Public Defender is directed to deliver to Musawwir Spiegel, within 30 days from the filing of this order, the entire case file relating to appellant's automatic appeal currently in the State Public Defender's possession, including, but not limited to, the reporter's and clerk's transcripts, all case files and documents obtained from appellant's trial counsel, and all other case-related documents, including copies of all documents filed in this court.

S070839**PEOPLE v. CARASI (PAUL J.)**
Counsel appointment order filed

Attorney Eric S. Multhaup, previously appointed to represent appellant Paul Joe Carasi for the direct appeal in the above automatic appeal now pending in this court, is hereby appointed to also represent appellant Paul Joe Carasi for habeas corpus/executive clemency proceedings related to the above automatic appeal.

S042223**PEOPLE v. COOK (WALTER J.)**
Order filed

Appellant's "Motion for Decertification of the Record or in the Alternative, Petition for Writ of Mandate," filed November 7, 2002, is treated as including a motion to augment and correct the record on appeal pursuant to rule 12 of the California Rules of Court. To the extent that it seeks corrections and/or additional materials, including settled statements, in the superior court, the motion is granted: The clerk of this court is directed to transmit the original of the record on appeal to the clerk of the superior court. The superior court is directed to conduct a hearing or hearings on the corrections and/or additional materials, including settled statements, requested in the motion; to order such corrections and/or additional materials, including settled statements, as may be necessary; to order the preparation of clerk's and reporter's transcripts relating to the hearing or hearing conducted; to provide each of the parties an opportunity to review any such corrections and/or additional materials and any such clerk's and reporter's transcripts; and to make the certification required by rule 35(c)(4) -- all to be completed on or before January 31, 2003. The clerk of the superior court is directed to transmit to this court the original of the clerk's and reporter's transcripts relating to any hearing or hearings conducted and any corrections and/or additional materials ordered, and to retransmit to this

court the original of the record on appeal, within 10 days of the certification required by rule 35(c)(4).

In all other respects the motion is denied.

S102249

A093139 First Appellate District,
Division One

GARDNER et al. v. COUNTY OF SONOMA
Request for judicial notice granted

Appellants' request for judicial notice, filed
November 26, 2002, is granted.

**B156071 Second Appellate District,
Division Five**

A. AGUIRRE et al. v. UNION OIL OF CAL.
Second Appellate District transferred from Division
Five to Division Three.

**B158365 Second Appellate District,
Division Seven**

PEOPLE v. SHALON N. HARBOR
Second Appellate District transferred from Division
Seven to Division Two.

**B159451 Second Appellate District,
Division Two**

PEOPLE v. KEVIN ROBINSON
Second Appellate District transferred from Division
Two to Division Seven.

**B159869 Second Appellate District,
Division Three**

PEOPLE v. JOHN GILBERT HEYMAN, JR.
Second Appellate District transferred from Division
Three to Division Four.

**B160066 Second Appellate District,
Division Four**

PEOPLE v. CHARLES CARTER
Second Appellate District transferred from Division
Four to Division Three.

Misc. 2002-3

IN THE MATTER OF THE APPOINTMENT OF
JUDICIAL MEMBERS OF THE COMMISSION ON
JUDICIAL PERFORMANCE

Order filed

Pursuant to the provisions of article VI,
section 8, subdivision (a), of the California
Constitution, the following appointment is
made to the Commission on Judicial
Performance:

Effective March 1, 2003:

The Honorable Rise Pichon, Judge of the
Superior Court of Santa Clara, is reappointed
for a term ending February 28, 2007.

